(Bottles in which pills were shipped) "Ergot Cotton Root Bark and Apiol Compound * * * Ergot ½ gr Warning: Ergot is contraindicated in pregnancy, high blood pressure, vascular disease, coronary sclerosis and puerperal infection. Ext. Cotton Root Bark ½ gr Apiol ¼ min Pulsatilla ¼ gr Oil Pennyroyal 1/10 min Caution: To be dispensed only by or on the prescription of a physician."

(Cartons containing tablets) "Femo Pills Special formula containing the Emmenagogues Ergot, Aloin, Extract of Cotton Root Bark, Apiol, and Oil Pennyroyal (Adult Use Only) Directions: 1 capsule after meals and at bedtime. Contents 24 Capsules * * * To be used only by or on the prescription of a Physician."

(Cartons containing pills) "Super Femo Pills Original formula containing the Emmenagogues Extract Ergot, Extract Cotton Root Bark, Apiol, Pulsatilla, and Oil of Pennyroyal (Adult Use Only) Directions: 1 capsule after meals and 1 at bedtime. Contents 24 Pills * * * To be used only by or on the prescription of a physician."

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the tablets and pills failed to bear adequate directions for use. The articles were misbranded in this respect when introduced into, while in, and while held for sale after shipment in, interstate commerce.

Further misbranding, Section 502 (a), the statement "containing * * * Emmenagogues" borne on the cartons containing the repackaged tablets and pills was false and misleading since the articles, when used as directed, were not effective as emmenagogues. The articles, were misbranded in this respect while held for sale after shipment in interstate commerce.

DISPOSITION: January 27, 1953. The Lipton Drug Sales Co. having filed an answer to the libel, but subsequently having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be destroyed.

3973. Misbranding of Cheno herb tea laxative, Cheno preparation of Phytolacca berries, and Cheno combination tablets. U. S. v. 26 Cartons, etc. (F. D. C. No. 18986. Sample Nos. 36073–H to 36075–H, incl.)

LIBEL FILED: January 21, 1946, Western District of Oklahoma; amended on or about March 14, 1947.

ALLEGED SHIPMENT: In September, November, and December, 1945, and on or about January 14, 1946, by the Alberty Food Products Co., from Hollywood, Calif.

PRODUCT: 26 cartons of *Cheno herb tea laxative*, 24 bottles of *Cheno preparation of Phytolacca berries*, and 8½ dozen cartons of *Cheno combination tablets* at Oklahoma City, Okla.

LABEL, IN PART: "Cheno Herb Tea Laxative Contains: Active laxative ingredient Senna * * * Dosage: Depends upon the individual. Use from one to three teaspoonfuls. Make tea by boiling herbs in a cupful of water. Remove from fire, cover and let steep fifteen minutes or all day; strain before drinking * * * Use as occasionally required for relief of temporary constipation," "Cheno Preparation of Phytolacca Berries * * * App. 50% of Liquid Berry Juice * * * Directions: 6 drops, 3 times daily 15 minutes before each meal in one-half glass of water," and "10 Grain Cheno Combination Tablets * * * Directions: Four tablets before meals, as a supplementary Food source of Calcium, Phosphorus, Iron and Iodine. Cheno

Contains: Dehydrated Parsley, Swiss Chard, Dulse, Irish Moss, Spinach, Psyllium, Di-calcium, Phosphate and Iron Phosphate."

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the articles failed to bear adequate directions for use in causing reduction of body weight, which was the condition for which the articles were offered in the advertising disseminated and sponsored by and on behalf of the manufacturer.

DISPOSITION: On March 16, 1946, the libel action was transferred to the Northern District of California. On July 7, 1947, upon a motion of the claimant, the Alberty Food Products Co., the United States District Court for the Northern District of California entered an order directing the removal of the action to the Southern District of California, the home district of the claimant. Thereafter, upon the basis of a stipulation between the parties, an order was entered vacating the July 7 order of removal. Further proceedings in the case were subsequently postponed pending the disposition of certain other cases under the Federal Food, Drug, and Cosmetic Act against certain products of the claimant.

On October 5, 1951, upon stipulation by the parties that the case presented no questions for adjudication for the reasons that the products had deteriorated by reason of the lapse of time and because the same issues involved in the case were also involved in the injunction suit which had been filed by the Government against the claimant and which was then pending in the court of appeals (see notice of judgment on drugs and devices, No. 3663), and with the consent of the parties, the court ordered that the products be destroyed.

3974. Misbranding of Elip tablets. U. S. v. 216 Boxes, etc. (F. D. C. No. 33230. Sample No. 37623–L.)

LIBEL FILED: May 8, 1952, Eastern District of New York.

ALLEGED SHIPMENT: On or about February 11, 1952, from Newark, N. J.

PRODUCT: 216 boxes, each containing 12 tablets, of *Elip tablets*, together with a number of empty boxes labeled, in part, "Elip Tablets" and a number of leaflets headed "Elip The Only Internal Pile Remedy," at Freeport, N. Y., in the possession of the Elip Distributing Corp.

Analysis showed that the product consisted of sulfur, rhubarb, and a tartrate.

RESULTS OF INVESTIGATION: The product was part of a bulk shipment of 120,000 tablets which had been made from Newark, N. J., to Baldwin, N. Y., from where a portion of this shipment was transported to Freeport, N. Y., and was packaged into boxes by the Elip Distributing Corp.

NATURE OF CHARGE: Misbranding, Section 502 (a), the statement "Elip Read Backward Spells Pile" appearing on the box label was false and misleading since the statement represented and suggested that the article was an adequate and effective treatment for piles, whereas such was not the case; Section 502 (e) (2), the label of the article failed to bear the common or usual name of each active ingredient since its label failed to declare the presence of rhubarb; and, Section 502 (f) (2), the labeling of the article failed to bear such adequate warnings against unsafe dosage and duration of administration, in such manner and form, as are necessary for the protection of users since the article was essentially a laxative and its labeling failed to warn that frequent or continued use, or use in accordance with the directions "Take 3 tablets with water